

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 21-2270

The School of the Ozarks, Inc.

Appellant

v.

Joseph R. Biden, Jr., in his official capacity as President of the United States, et al.

Appellees

Appeal from U.S. District Court for the Western District of Missouri - Springfield
(6:21-cv-03089-RK)

ORDER

The appellant, The School of the Ozarks, moves for an injunction pending appeal. The School argues that this court should enjoin a memorandum issued on February 11, 2021, by an acting assistant secretary of the United States Department of Housing and Urban Development regarding enforcement of the Fair Housing Act. They also ask the court to prohibit various government officials from taking any action to enforce or investigate an alleged or actual violation of requirements of the memorandum.

The district court ruled that the School lacks Article III standing to sue and dismissed the action. The district court did not reach the merits of the dispute.

In response to the motion, the government recites that the School “has an exemption under Title IX, including for its housing policies . . . , and HUD has never filed a charge of discrimination under the FHA against a college for a housing practice or policy that was specifically exempted by the Department of Education or Title IX.” The government further states that “the Memorandum does not require plaintiff or other religious colleges to change their behavior or choose between abandoning their housing policies or ‘risk[ing] crippling government penalties.’”

The court concludes at this juncture that the extraordinary remedy of an injunction pending appeal is not warranted. The motion has been considered by the court and is denied.

July 09, 2021

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans